

28.10.2025

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Bd.

Rejected

Ct.3

**Calcutta High Court
In the Circuit Bench at Jalpairuri**

C.R.M. (NDPS) 398 of 2025

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Sitai Police Station Case no. 06 of 2025 dated 05.01.2025 under Sections 21(c)/29 of the NDPS Act, 1985.

And

In the matter of : **Arun Barman @ Hola**

.... Petitioner

Ms. Riya Agarwal

...for the Petitioner

Mr. Nilay Chakraborty

Mr. Saikat Chatterjee

Mr. Chattu Roy

...for the State

Prosecution case is that 50 bottles of cough syrup containing codeine phosphate were recovered from the joint possession of the present petitioner and another co-accused and the petitioner is in custody for about 295 days since 05.01.2025.

Learned counsel appearing on behalf of the petitioner submits that the charge-sheet has been submitted on 26th February, 2025 and the trial court fixed date for examining the witnesses on 5th, 6th and 7th August, 2025 initially when only one witness was examined on 7th August, 2025. Thereafter, on 18th September, 2025 and 19th September, 2025 were fixed. Prosecution proposes to examine 17 witnesses in all and as such it would take long time to

conclude the trial and considering his period of detention he may be released on bail on any terms and conditions.

Learned counsel for the State opposed the bail prayer contending that it would not take much time to conclude the trial since charge has already been framed and one witness have been examined and if at this stage the petitioner is released on bail there is serious chance of causing further delay in trial.

Having heard learned counsel appearing on behalf of both the parties and that the petitioner has failed to overcome the restrictions imposed in Section 37 of the NDPS Act, the prayer for bail made by the petitioner stands rejected.

However, trial court is requested to make every endeavour for expeditious disposal of the case keeping it in mind that the petitioner's valuable fundamental right of speedy trial has been guaranteed under Article 21 of the Constitution of India and to make all endeavours to conclude the trial preferably within a period of one year from the next date of hearing.

If the petitioner finds no substantial progress in trial during the said period for which the delay would not be attributable to the petitioner he will be at liberty to renew his bail prayer.

Both the parties are directed to communicate the order before the court below at once.

Accordingly, CRM (NDPS) 398 of 2025 is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)